

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**CHARLES B. GILL, SR.,
Plaintiff,**

v.

Case No. 21-C-1154

**ANNA KEDZIERSKI, et al.,
Defendants.**

ORDER

On July 20, 2022, I screened pro se plaintiff Charles B. Gill, Sr.'s amended complaint under 42 U.S.C. § 1983 and allowed him to proceed on First Amendment claims against the defendants. ECF No. 6. On September 15, 2022, the defendants filed an Answer to the complaint. ECF No. 10. Ordinarily, I would enter a scheduling order with deadlines for discovery and dispositive motions. But on August 1, 2022, the copy of the screening order sent to the plaintiff at the Drug Abuse Correctional Center was returned to the court as undeliverable. ECF No. 7. A stamp on the returned envelope says, "Return to Sender – Not Deliverable as Addressed – Unable to Forward." *Id.* A search of the Wisconsin Department of Corrections offender search by the plaintiff's DOC number shows the plaintiff was released onto extended supervision on April 8, 2022. See <https://appsdoc.wi.gov/lop/home/home> (DOC #656289).

As I advised the plaintiff in the screening order, "it is his responsibility to promptly notify the court if he is released from custody or transferred to a different institution. The plaintiff's failure to keep the court advised of his whereabouts may result in the dismissal of this case without further notice." ECF No. 6 at 13. The plaintiff has not provided his present address to the court in writing or via phone call. But because the plaintiff did not receive the screening order, I will not dismiss his case at this time. I instead will send the

screening order and the defendants' responsive complaint to the plaintiff's extended supervision agent in Neenah, Wisconsin. Within thirty days, **by October 17, 2022**, he must file with the court a letter explaining whether he wishes to prosecute this lawsuit. If the court does not hear from the plaintiff by then, or if this order is returned as undeliverable, I will dismiss this case without prejudice for the plaintiff's failure to prosecute it. See Civil L. R. 41(c) ("Whenever it appears to the Court that the plaintiff is not diligently prosecuting the action . . . the Court may enter an order of dismissal with or without prejudice.").

IT IS THEREFORE ORDERED that **by October 17, 2022**, the plaintiff must respond to this order in writing and inform the court whether he intends to proceed in this litigation. If he does not respond by that date, or if this order is returned as undeliverable, I will dismiss this case without prejudice for the plaintiff's failure to prosecute.

The clerk shall send a copy of the screening order (ECF No. 6) and the defendant's Answer (ECF No. 10) to Region Unit Agent 04 10 02, 1251 Jacobsen Rd, Suite A, Neenah, WI 54956.

Dated at Milwaukee, Wisconsin this 16th day of September, 2022.

/s/Lynn Adelman
LYNN ADELMAN
United States District Judge